

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:12-CV-154-D

NORTH CAROLINA ENVIRONMENTAL )  
JUSTICE NETWORK, NEUSE )  
RIVERKEEPER FOUNDATION, INC., )  
and WATERKEEPER ALLIANCE, INC., )  
                                       )  
                                       )  
Plaintiffs,                         )  
                                       )  
                                       )  
v.                                     )  
                                       )  
DONALD TAYLOR and ANNIE )  
TAYLOR, individually and d/b/a )  
TAYLOR FINISHING, JUSTIN T. )  
MC LAWHORN, and )  
AARON MC LAWHORN, )  
                                       )  
                                       )  
Defendants.                         )

**ORDER**

On November 28, 2012, plaintiffs filed a motion for leave to file a second amended complaint [D.E. 51] and a memorandum in support [D.E. 52]. On December 21, 2012, defendants Donald Taylor and Annie Taylor responded in opposition to plaintiffs' motion [D.E. 56–57].<sup>1</sup> On January 7, 2013, plaintiffs replied [D.E. 58].

In the proposed second amended complaint, plaintiffs seek only to add the newly revived McLawhorn Livestock Farm, Inc. as a defendant. [D.E. 52] 4. No discovery has occurred in this matter. After considering plaintiffs' motion for leave to file a second amended complaint in accordance with the governing standard, plaintiffs' motion [D.E. 51] is GRANTED. See Fed. R. Civ. P. 15(a)(2); see also *Laber v. Harvey*, 438 F.3d 404, 426–27 (4th Cir. 2006) (en banc); *Davis*

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<sup>1</sup> Defendants Justin T. McLawhorn and Aaron McLawhorn consent to the motion. See [D.E. 52] 2; [D.E. 58-1, 58-2].

v. Piper Aircraft Corp., 615 F.2d 606, 613 (4th Cir. 1980). Plaintiffs shall file the second amended complaint attached to their motion not later than April 30, 2013. Defendants shall respond to the second amended complaint in accordance with Federal Rule of Civil Procedure 15(a)(3). Defendants' motions to dismiss [D.E. 30, 36, 48] are DENIED AS MOOT.

SO ORDERED. This 24 day of April 2013.



JAMES C. DEVER III  
Chief United States District Judge